

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to
Engrossed House Bill No. 590 by Representative Kleckley

1 AMENDMENT NO. 1

2 On page 1, line 3, after "authority to" insert "issue subpoenas," and after "witnesses" insert
3 a comma ","

4 AMENDMENT NO. 2

5 On page 1, line 5, change "law enforcement agencies" to "fire marshal employees" and at
6 the end of the line, delete "directed to the"

7 AMENDMENT NO. 3

8 On page 1, line 6, change "agency" to "issued"

9 AMENDMENT NO. 4

10 On page 1, line 8, after "marshal shall be" change "guilty of contempt;" to "punishable by
11 the judge as contempt;" and delete the remainder of the line

12 AMENDMENT NO. 5

13 On page 1, at the beginning of line 9, delete "be fined or imprisoned," and insert the
14 following:

15 "to authorize the judge to enforce obedience by fine, imprisonment,"

16 AMENDMENT NO. 6

17 On page 1, line 19, after "power" delete the remainder of the line, delete lines 20 and 21 in
18 their entirety, and on page 2, delete lines 1 and 2 in their entirety and insert the following:

19 "to issue subpoenas and subpoenas duces tecum to compel the testimony of
20 witnesses and the production of documents, papers, books, records, and other
21 evidence, and to administer oaths and affirmations to those persons
22 subpoenaed. Any fire marshal employee shall serve any subpoena or
23 subpoena duces tecum directed to him by the fire marshal or his authorized
24 representative."

25 AMENDMENT NO. 7

26 On page 2, delete lines 4 through 13 in their entirety and insert the following:

27 "D.(1) If any person refuses to obey any such subpoena, to give
28 testimony, or to produce evidence as required thereby, any judge of the
29 district court for the parish of East Baton Rouge may, upon ex parte
30 application and proof of such refusal, make an order awarding process of
31 subpoena or subpoena duces tecum out of the district court for the witness to
32 appear before the fire marshal or his authorized representative and to give
33 testimony and to produce evidence. Upon filing such order in the office of
34 the clerk of the district court, the clerk shall issue process of subpoena, as
35 directed under the seal of the court requiring the person to whom it is
36 directed, to appear at the time and place therein designated.

1 (2) If any person served with any such subpoena refuses to obey the
2 order and to give testimony and to produce evidence as required by the order,
3 the fire marshal or his authorized representative may apply to any judge of
4 the district court for an attachment against such person for contempt. The
5 judge, upon satisfactory proof of such refusal, shall issue an attachment,
6 directed to any sheriff, constable, or law enforcement officer, for the arrest
7 of such person and, upon his being brought before such judge, proceed to a
8 hearing on the matter. The judge shall have the power to enforce obedience
9 to such subpoena, the answering of any question, and the production of any
10 evidence that may be proper, by a fine not exceeding one hundred dollars, by
11 imprisonment, or by both fine and imprisonment, and to compel such witness
12 to pay the costs of such proceeding.

13 (3) Proceedings held pursuant to the provisions of this Paragraph
14 shall be summary in nature.

15 (4) Any violation of a subpoena issued by the clerk or of any order
16 issued by the judge may be punishable by the judge as contempt."